

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

OP.No. 9657 of 2001(Y)

PETITIONER:

**A.K.ABOOBACKER, MOKAYIKKAL HOUSE,
UNNIKULAM P.O.,KOZHIKODE DISTRICT.**

BY ADV. SRI.C.S.AJITH PRAKASH

RESPONDENTS:

- 1. STATE OF KERALA, REP.BY SECRETARY,
LOCAL ADMINISTRATION, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE DIRECTOR OF PANCHAYATH,
DIRECTORATE OF PANCHAYATH, THIRUVANANTHAPURAM.**
- 3. THE DEPUTY DIRECTOR OF PANCHAYATH,
KOZHIKODE REGION, KOZHIKODE.**
- 4. THE DISTRICT PANCHAYATH OFFICER, WAYANAD DISTRICT,
WAYANAD.**
- 5. THE EXECUTIVE OFFICER, VYTHIRI GRAMA PANCHAYATH,
VYTHIRI, WAYANAD.**

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

**THIS ORIGINAL PETITION HAVING COME UP FOR ADMISSION
ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

KURIAN JOSEPH, J.

O.P.No.9657 of 2001

Dated 21st December, 2006.

J U D G M E N T

Petitioner approached this Court aggrieved by the disciplinary proceedings initiated against him culminating in Ext.P6 order passed by the Government. The issue pertains to the alleged lapses on the part of the petitioner in recovering the tax due to the Panchayat. According to the petitioner, he was only a clerk and hence he is not the person responsible. Be that as it may, it is submitted that the tax has already been recovered and hence there is no justification in recovering the amount from the petitioner. Since the punishment of barring of increment has been cancelled by the Government, petitioner may approach the Government in the matter of realization of the tax from the defaulter, in which case, the matter will be duly considered by the Government with notice to the petitioner and the Panchayat and appropriate orders in accordance with law will be passed, within another three months.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

OP NO.

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KURIAN JOSEPH, J

O.P.No.9657 of 2001 (Y)

J U D G M E N T

Dated 21st December, 2006.